

# HELMER, MARTINS, RICE & POPHAM Co., L.P.A.

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09/26/2016  
181-00M

Statement No: 369

U.S. ex rel. Palmer v. C&amp;D Technologies, Inc.

## HOURS

08/05/2016

JBH	R. Begelman time records; P. Martins email to J. Popham regarding M. Raspanti (N/C)	N/C
JT	Review motion for fees and correspondence and analysis from P. Martins regarding same (N/C)	N/C
PBM	Email exchange with J. Popham regarding M. Raspanti Declaration (N/C)	N/C
JWP	Fee Petition; Review email and 2 emails to M. Raspanti regarding declaration and attorney time records (N/C)	N/C

08/08/2016

JBH	Work on Fee Application; Conference with P. Martins regarding discount; Conference with J. Popham regarding M. Raspanti affidavit	0.85
PBM	Conference with J. Popham (3x) regarding M. Raspanti declaration (N/C)	N/C
JWP	Conference with K. Henry, W. Diggs and P. Martins regarding assembling time records; Conference with J. Helmer and K. Henry regarding same; Prepare fee records for M. Raspanti; Assemble time records (N/C)	N/C

08/09/2016

PBM	Telephone conference with R. Begelman and M. Orlow and J. Tate regarding whether to
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**Exhibit A-1**

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		HOURS	
	make a counter offer to C&D; Conference with J. Helmer and decide not to; Review R. Begelman email on counter-offer; Review J. Helmer email explaining why we should not make counter offer (N/C)		N/C
PBM	Edit and circulate Fee Memo to R. Begelman and M. Orlow	3.30	
JT	Telephone conference with P. Martins, R. Begelman and M. Orlow regarding C&D settlement offer; Our response; Conference with J. Helmer and P. Martins; Review follow-up emails regarding counter offer calculations and strategy (N/C)		N/C
JBH	Conference with P. Martins regarding settlement issues; Four R. Begelman emails regarding same; Four P. Martins responses; Email to counsel regarding no deal	0.65	
JWP	Review and proof J. Helmer Declaration (N/C)		N/C
JWP	Edit Fee Petition (N/C)		N/C
WD	Calculate fees at a 3% reduction (N/C)		N/C
SMG	Review and edit C&D offer on fees and costs chart (N/C)		N/C
08/10/2016			
JBH	M. Orlow and R. Begelman email regarding briefing (N/C); R. Begelman email regarding settlement (N/C)		N/C
JT	Review detailed hour breakdown and deposition time breakdown; Correspondence with Westlaw and P. Martins regarding Peer Reports on PA attorney time (N/C)		N/C
JT	Research recent E.D. PA attorney fee cases and Pratter decisions; Review, cite check and edit Fee Petition and conference regarding edits, strategy for argument and evidence to include with P. Martins	4.20	
PBM	Edit memo regarding fee motion; Conference with J. Tate regarding Exhibit C and deposition time breakdown; Conference with K. Henry regarding time spent coordinating case with government (.60); Edit fee memo		

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		HOURS	
	and conference with J. Tate regarding exhibits to same; Email exchange with R. Begelman and M. Orlow on edits to memo (2.20)	2.80	
PBM	Email T. Finn with formal rejection of August 4 offer of less monthly payment over a longer period of time		N/C
JWP	Fee Petition and left word for M. Raspanti regarding Declaration (N/C)		N/C
DB	Proof J. Helmer Declaration for Fee Petition (N/C)		N/C
08/11/2016			
PBM	Memo regarding fees and costs; Conference with J. Tate	2.30	
08/12/2016			
JBH	Work on Fee Application; Conference with J. Popham regarding expert affidavit; Two calls to P. Martins regarding same; Telephone conference with M. Raspanti; Review his affidavit; J. Popham email to M. Raspanti; Two M. Raspanti responses; Email to R. Begelman	2.00	
JWP	Telephone conference with M. Raspanti (.20); Conference with J. Helmer regarding Fee Petition (.35); Finalize Fee Petition (5.85); Telephone conference with e. Medor regarding M. Raspanti Declaration and 3 emails regarding same and work on Fee Petition (1.65); Review J. Helmer declaration (.25)	8.25	
JT	Review cost reports and fee detail; Review M. Raspanti Declaration and Fee Petition; Conference with J. Popham and J. Helmer regarding issues with petition fees and costs (N/C)		N/C
DB	Proof M. Raspanti Declaration (N/C)		N/C
08/14/2016			
JBH	Email from and to J. Popham regarding support evidence for fee application	0.35	
08/15/2016			
JBH	Two J. Popham emails to M. Raspanti; M. Raspanti affidavit; Conference with P.		

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		HOURS	
	Martins regarding new charts; Our motion to enforce settlement; Our proposed order; J. Popham emails regarding R. Begelman affidavit; Conference with P. Martins regarding our motion to enforce	1.80	
PBM	Edit memo regarding fees and cost; Conference with J. Popham; Work on exhibits to memo (4.50); Draft motion for fees and costs and draft proposed order regarding award of fees and costs (1.00)	5.50	
PBM	Draft notice renewing motion to enforce settlement agreement	0.75	
PBM	Telephone conference with J. Popham; Telephone conference with J. Helmer (2x) regarding M. Raspanti Declaration for Fee Petition (N/C)		N/C
JWP	Finalize Fee Petition (2.95); Proof J. Helmer declaration and conference with J. Tate regarding exhibits to the fee petition (.95)	3.90	
JT	Conference with J. Helmer and P. Martins regarding Fee Petition and settlement (.30); Review and revise Fee Petition exhibits and conference with P. Martins (2.50)	2.80	
WD	Re-calculate fee and cost totals to update charts reflecting fees and costs through 8/4/16 (4x) (1.25); Update Fee Petition exhibits (.750)	2.00	
DB	Proof Fee Petition (N/C)		N/C
08/16/2016			
JBH	Work on Fee Application; J. Helmer affidavit and exhibits; Conference with J. Popham regarding costs; Conference with P. Martins regarding Finn follow-up call	2.00	
PBM	Review J. Tate edits to exhibit 6 summary chart of time by categories (through January 2016) and conference with J. Tate; Edit memo to actually reflect facts and hours including hours in categories not in Exhibit C; i.e., coordination with Government; Fee negotiations, settlement and breach of settlement (.40); Review and		

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		HOURS	
	edit J. Helmer declaration; Forward J. Helmer declaration to R. Begelman for his review (1.50); Edit fee memo and review J. Popham edits; Conference with J. Popham regarding R. Begelman and M. Orlow fee detail missing January 2014 entries; Email and telephone conference with R. Begelman (1.50); Telephone conference with T. Finn regarding settlement of fees and costs (.70); Conference with J. Helmer regarding T. Finn call and conference with J. Popham (.35); Conference with J. Popham regarding proposed edits to R. Begelman declaration (.10)	4.45	
JWP	Work on Fee Petition (2.85); Update J. Helmer declaration (N/C); Review R. Begelman declaration (N/C)	2.85	
JT	Research False Claims Act legislative history and update cites in brief; Edit brief and fix cites to exhibits; Update exhibit C and check numbers; Review J. Helmer and R. Begelman declaration	3.10	
JT	Telephone conference with T. Finn regarding settlement negotiation; Bridging 250K gap; Conference with P. Martins regarding settlement negotiations (N/C)		N/C
WD	Update Fee Petition exhibits	0.50	
08/17/2016			
JBH	Work on Fee Application and Affidavit and exhibits (charts) to same	2.00	
PBM	Telephone conference with R. Begelman regarding his declaration for fee memo regarding my August 16 telephone conference with T. Finn on fee negotiations (N/C); Review fee detail for R. Begelman and M. Orlow and email R. Begelman on discrepancy on amount of costs sought; Telephone conference with R. Begelman and reduce costs (N/C)		N/C
JT	Review local rules regarding chambers copies of Fee Petition and email P. Martins regarding same (N/C)		N/C
WD	Update Fee Petition exhibits	0.75	

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		HOURS	
08/18/2016			
JBH	Conference with P. Martins regarding T. Finn latest call; P. Martins email regarding same and R. Begelman response; Conference with P. Martins regarding R. Begelman affidavit and exhibits; Review declaration and Fee Motion; R. Begelman email regarding declaration; M. Raspanti email and respond	2.00	
PBM	Telephone conference with T. Finn; Draft memo on conversation and circulate to co-counsel; Conference with J. Helmer (.50); Conference with J. Popham regarding discrepancy in cost number mentioned in M. Raspanti's declaration; Edit memo for fees and costs to explain discrepancy (.75); Final edits to fee memo; Draft cover letter to Court forwarding 2 copies of motions and exhibits per section III.C.3 of General Pretrial and trial procedures (1.80); Conference with J. Tate regarding cite checking and edits to memo regarding fees and costs (.60)	3.65	
JWP	Edit Fee Petition	5.85	
JT	Correspondence regarding fee petition and conference with J. Popham; Review exhibits; Review correspondence regarding settlement (.50); Cite check and edit fee petition (6.30)	6.80	
WD	Prepare Fee Petition exhibit binders for Judge's Chambers (2.00); Update Fee Petition exhibits (.50)	2.50	
08/19/2016			
JBH	Check on filing Fee Application (N/C)		N/C
PBM	Final review and edits to Motion for Fees and costs; Memo in support, proposed order and notice of Renewing Motion to Enforce Settlement Agreement (1.30); File notice renewing Motion to Enforce Settlement Agreement; Motion for Fees and costs; Supporting memo and exhibits (1.20); Inspect 2 copies of motion and exhibits and sign cover letter to Court (.10)	2.60	
JWP	Review and edit Fee Petition (N/C)		N/C

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		HOURS	
	JT	Complete cite checking of Fee Petition; Review City of Riverside case and discuss with P. Martins; Review exhibits and final brief; Review proposed order, file; Review local rules and Pratter rules regarding response time	4.80
	WD	Finalize Fee Petition exhibits; Finalize Fee Petition binders; Finalize Fee Petition CD; Prepare and FedEx Fee Petition binders and CD to Judge's Chambers	N/C
08/22/2016	PBM	Review FPDS data from J. Tate on C&Ds contract sale to U.S. in first 5 months of this year; Email results for January - May 2016 to co-counsel, R. Bernstein and B. Wei; Rebutting "ability to pay argument" with \$5.2 M in sales	0.40
	JT	Review ECF entry fee petition from this morning and conference with W. Diggs (N/C)	N/C
	JT	Research recent C&D federal government contracts: Tally May missile battery purchases; Correspondence with P. Martins regarding same; Conference with P. Martins regarding 2016 data	0.40
	JT	Review research and draft file from Fee Petition; Review and clear redundant trial preparation documents	0.30
08/29/2016	JBH	Emails to M. Orlow	0.25
	JT	Review Federal Biz. Opps for old and current C&D contracts	0.20
08/30/2016	JBH	M. Orlow emails and respond (N/C)	N/C
08/31/2016	JBH	Paula Cedilla emails and P. Martins responses; C&D motion for extension and email to P. Martins, R. Begelman and M. Orlow (N/C)	N/C
	PBM	Email exchange with P. Cedillo regarding defense request for 2 week extension of time; Review R. Begelman email on subject; review R. Begelman email on subject;	

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		HOURS	
	Conference with J. Helmer; Review C&D motion for 2 week extension of time to respond to Fee Petition	0.30	
09/08/2016			
JBH	Conference with P. Martins regarding collection expert per H. Markopolis; Court order on extension	0.65	
09/13/2016			
JBH	M. Orlow email and respond (N/C)		N/C
JT	Review J. Pratter rule and deadline regarding Reply Briefs and send to P. Martins	0.10	
09/16/2016			
JBH	Conference with R. Rice regarding C&D's Memorandum Contra; P. Martins email to J. Tate regarding same; Begin review of same (N/C)		N/C
JT	Review, circulate C&D opposition to Fee Petition and Motion to Enforce Settlement (N/C)		N/C
09/17/2016			
JBH	C&D Memorandum Contra and exhibits to our Fee Application	1.00	
09/19/2016			
JBH	Work on reply to Fee Opposition	1.30	
PBM	Review and analysis of C&D's memo response to Plaintiff's Notice of Renewing Motion to Enforce Settlement Agreement; Conference with J. Helmer and J. Tate (N/C)		N/C
PBM	Review and analysis of C&D Response to Fee Application; Email to Begelman & Orlow to address section of C&D's brief on Begelman & Orlow's time records; Conference with J. Tate (2x) on our Reply memo	2.75	
JT	Review C&D Opposition to Fee Petition; Research C&D cited cases and 3rd Circuit fee law; Conference with P. Martins regarding arguments; Outline and begin drafting response brief	4.60	
JWP	Conference with J. Tate regarding reply brief	0.10	



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## HOURS

09/20/2016

PBM	Email exchange with R. Begelman on Reply in support of Fee Application; Review outline for Reply; Conference with J. Tate regarding division of work for Reply (N/C)		N/C
PBM	Research and draft section of Reply in support of Fee Application	2.50	
JT	Research and write reply in support of our Fee Petition; Meetings and memo with P. Martins and J. Helmer regarding our response and applicable 3rd circuit standards	6.70	
JBH	R. Begelman email regarding additions to fee reply (N/C); Conference with P. Martins regarding our reply brief; Conference with J. Tate regarding reply; 3rd circuit research; Emails to J. Tate (2) regarding additions; Two J. Tate responses	1.20	
JWP	Review C&D's opposition to fee petition	0.35	

09/21/2016

JBH	J. Tate email regarding 3rd Circuit law; Conference with J. Tate regarding reply brief additions; Research "current" rates; Work on reply brief; Conference with P. Martins regarding same	1.50	
PBM	Research, draft and edit Reply in Support of Fee Application	1.00	
PBM	Draft section in Reply addressing C&D's attack on \$44k of Begelman & Orlow time based on information provided by R. Begelman; Email exchange with R. Begelman (N/C)		N/C
PBM	Conference with J. Tate regarding editing brief down to 15 pages	0.20	
PBM	Review and edit 1st draft of reply	2.60	
JT	Research and draft reply in support of our Fee Petition; Meetings with P. Martins regarding same; Integrate P. Martins sections and complete final first draft for J. Helmer and P. Martins review	7.30	

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		HOURS	
09/22/2016			
JBH	Work on our reply brief on Fee Application	4.75	
PBM	Reply Memo (1.70); Email to R. Begelman requesting Begelman & Orlow time records since August 4, 2016 (N/C)	1.70	
JT	Conference with J. Helmer and P. Martins regarding Fee Petition Reply (N/C); Review J. Helmer draft of Reply (N/C); Revise Reply Brief; Update cites and research additional case law from C&D response (2.00)	2.00	
09/23/2016			
PBM	Edit Reply Brief; Email R. Begelman regarding supplemental declaration for time since August 4, 2016; Conference with J. Tate regarding edits and format of Table A-2, A-3, B-2 and B-3	1.30	
JT	Write, revise, and begin cite checking Fee Petition	5.50	
EMC	Cite check case cites in Reply in support of the Fee Application and shepardize same (N/C)		N/C
WD	Cite check Reply Brief	2.75	
JBH	Work on fee application reply brief; Two R. Begelman emails; Conference with J. Tate regarding second affidavit; J. Tate email regarding R. Begelman affidavit; Review same	3.75	
JWP	Conference with J. Tate regarding fee petition	0.10	
EMC	Review fee petition and defendant's response to same (N/C)		N/C
09/25/2016			
JBH	Work on fee application reply brief edits	1.25	
09/26/2016			
EMC	Cite check legal citations in Reply to Fee Petition and shepardize same (N/C)		N/C
JBH	Our reply brief and affidavits in response to C&D opposition to fee application	2.25	

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## HOURS

JWP Work on Fee Petition Reply

3.50

JT Prepare Fee Petition Reply

5.00

TOTAL FEES

154.85

## RECAPITULATION

STAFFHOURS

James B. Helmer, Jr.

29.55

Paul B. Martins

38.10

Julie W. Popham

24.90

James A. Tate

53.80

William J. Diggs II

8.50

Client	Trans Date	Tk L	H P	Tcode/ Task Code	Rate	Amount	Ref #
<b>Tcode 40 Photocopies</b>							
181.00	08/05/2016	1	P	40	0.250	1,142.75 Photocopies 7/16 Donald Palmer U.S. ex rel. Palmer v. C&D Technologies, Inc.	235
181.00	09/26/2016	1	P	40	0.250	432.50 Photocopies 8/16 Donald Palmer U.S. ex rel. Palmer v. C&D Technologies, Inc.	238
<b>Total for Tcode 40</b>					Billable	1,575.25 Photocopies	
<b>Tcode 41 Mailing Expense</b>							
181.00	08/31/2016	1	P	41	1.100	1.52 Mailing Expense 8/16 Donald Palmer U.S. ex rel. Palmer v. C&D Technologies, Inc.	234
<b>Total for Tcode 41</b>					Billable	1.52 Mailing Expense	
<b>Tcode 47 Overnight Mail Delivery</b>							
181.00	09/19/2016	1	P	47		73.92 FedEx 9/16 Donald Palmer U.S. ex rel. Palmer v. C&D Technologies, Inc.	237
<b>Total for Tcode 47</b>					Billable	73.92 Overnight Mail Delivery	
<b>GRAND TOTALS</b>							
					Billable	1,650.69	